

NOT PRECEDENTIAL

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-1443

UNITED STATES OF AMERICA

v.

LEONARD SHOUGH,
Appellant

On Appeal From the United States District Court
For the Western District of Pennsylvania
(D.C. No. 04-cr-00009E)
District Judge: Honorable Maurice B. Cohill, Jr.

Submitted Under Third Circuit LAR 34.1(a)
October 21, 2005
Before: SMITH, BECKER and NYGAARD, *Circuit Judges*

JUDGMENT

This case came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted on October 21, 2005. On consideration whereof, it is now here

ORDERED and ADJUDGED by this Court that the judgment of conviction and sentence of the District Court entered January 26, 2005 be, and the same is hereby affirmed insofar as it pertains to the conviction. The sentence is vacated and the case is remanded for proceedings consistent with this opinion. All of the above in accordance with the opinion of this Court.

ATTEST:

Marcia M. Waldron

Clerk

DATED: October 26, 2005



Marcia M. Waldron

Marcia M. Waldron, Clerk

Certified as a true copy and issued in lieu
of a formal mandate on 11/17/05 TM

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit